P.R. No. 2623/05
Presented by Shri U. Upadhyay
dated 15/6/05

(3) (1) CF 102

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

WRIT PETITION NO. 2533 /2005

Ghurau Singh S/o Firtu Ram,
Aged about 53 years,
Permanent Residents-Village Basin Chapora,
Police Station- Dabhra, District- Bilaspur,
Chhattisgarh.
Presently working as **'Dumfer Operator'**
Open Cast Project, Chirimiri Colliery,
Distt. Korea,
Chhattisgarh. **PETITIONER**

VERSUS

1. South Eastern Coal Fields Ltd.,
Through its CMD,
Seepat Road Bilaspur,
Bilaspur,
Chhattisgarh.

2. General Manager,
SECL Chirimiri Colliery,
Distt. Korea,
Chhattisgarh.

Appointed counsel Not available

3. Chief Personnel Manager,
SECL Chirimiri Colliery, (Open Cast Project),
Chirimiri District Korea,
Chhattisgarh.

4. Sub Area Manager,
SECL Chirimiri Colliery,
(Open Cast Project),
Chirimiri District Korea,
Chhattisgarh.

5. Superintendent of Mines/Manager,
Chirimiri Open-Cast Project,
Chirimiri Colliery,
Distt. Korea, Chhattisgarh. **RESPONDENTS**

सपथ आयुक्त
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

(4)

(2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE ORDER(S)/DIRECTION(S)

(57)

XI-HC-78

(56)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. No. 2533/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	30.06.2005 Mr. Pankaj Shrivastava, learned counsel for the petitioner. Mr. P.S. Koshy, learned counsel for respondents. This writ petition is filed under Article 226/227 of the Constitution of India impugning order dated 19.01.2005 (Annexure P-1) whereby the petitioner was directed to clear all his dues before he retires on 30.06.2005 on superannuation. The undisputed facts are that the petitioner was appointed as General Mazdoor on 03.12.1973. Learned counsel for the petitioner submits that as per his mark sheet of primary school certificate, 1965 (Annexure P-2), the date of birth of the petitioner recorded is 06.10.1952, but in the service book his date of birth is recorded as 01.07.1945. The petitioner has raised the dispute with regard to his date of birth on 31.03.1989 (Annexure P-5). No decision has been taken on his dispute before he received the notice of retirement on 30.06.2005. Learned counsel has relied on Annexure P-9 "Implementation Instruction No.76 procedure for determination / clarification of age of employees" to show that the date of birth given in the School Leaving Certificate be treated as correct, provided the same was issued by the school prior to the date of employment. During the course of arguments, the learned counsel for the petitioner suggested that the case for determination of the age of the petitioner be referred to the Age Determination Committee as	

(57)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 2533/05

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	provided in Clause 'C' of Implementation of Instruction No.76 for determination of age. Learned counsel for the respondents has no serious objection in view of the fact that in W.P.No.2564 of 2003 (Bhorelal vs. M/s. South Eastern Coalfields Limited & Another) wherein the identical facts were involved and the case was referred to the Age Determination Committee by order dated 05.12.2003 passed by this Court. In view of the above, the respondents are directed to refer the dispute along with all relevant documents to the Age Determination Committee and the Age Determination Committee will consider all the documents furnished by the petitioner as well as the respondents and give its decision within a period of 30 days. In case the petitioner succeeds, the petitioner will be entitled to re-instatement and continuation of his services in accordance with the age as may be determined by the Age Determination Committee with back wages. In view of the foregoing, the petition stands disposed of finally. **Sd/-** **Satish K. Agnihotri** **Judge**	

Sarma